

## REMARKS

Applicants have studied the Office Action dated September 25, 2008. Claims 45-62 are pending. Claims 13-15, 17-26, 29-31, 34-36, and 39-41 have canceled without prejudice and new claims 45-62 have been added. No new matter has been added as the new claims have support in the specification as originally filed.

It is submitted that the application, as amended, is in condition for allowance. Reconsideration is respectfully requested.

### Objection to the Drawings

The drawings were objected to because the drawings allegedly does not show every feature of the invention specified in the claims. In particular, the Examiner asserted that all features of claims 13, 22, and 29 must be shown in the drawings or the features should be canceled from the claims. With this paper, claims 13, 22, and 29 have been canceled without prejudice. Accordingly, the objection to the drawings is now moot.

### Objection to the Claims

Claims 14, 22, 24, 29, 31, and 34 were objected to due to informalities. With this paper, claims 14, 22, 24, 29, 31, and 34 have been canceled without prejudice. Accordingly, the objections with respect to claims 14, 22, 24, 29, 31, and 34 are now moot.

### § 112 Rejections

Claims 13-26, 29-31, 34-36, and 39-41 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. With this paper, claims 13-26, 29-31, 34-36, and 39-41 have been canceled without prejudice. Accordingly, the rejections with respect to claims 13-26, 29-31, 34-36, and 39-41 are now moot.

### Rejection under 35 U.S.C. § 102

Claims 13-26 were rejected under 35 U.S.C. § 102(b) as being anticipated by admitted prior art. This rejection is respectfully traversed.

With this paper, claims 13-26 have been canceled without prejudice. Accordingly, the rejections with respect to claims 13-26 are now moot.

### New Claims

With this paper, new claims 45-62 have been added. It is respectfully submitted that the new claims have support in the application as originally filed.

It is respectfully submitted that the presently claimed invention is clearly distinguishable over the admitted prior art cited for rejection under 35 U.S.C. § 102(b). In particular, it is further respectfully submitted that the cited admitted prior art fails to disclose or suggest, at least, the second downlink physical channel comprises a TFCI (Transport Format Combination Indicator) field and a Pilot field to transmit the control information, the controller is a Controlling Radio Network Controller (CRNC) comprising the RLC layer and the MAC layer, and the base station comprises the physical layer, the MAC layer comprises a first MAC sub-layer handling a dedicated transport channel and a second MAC sub-layer handling a common or shared transport channel, and the received data is transferred directly from the RLC layer to the second MAC sub-layer, the data is MBMS data, the second MAC sub-layer is capable to support the MBMS service, and the RLC layer operates in a non-responsive mode, as recited in independent claim 45 and similarly recited in independent claim 55.

Accordingly, it is respectfully asserted that independent claims 45 and 55 and their respective dependent claims are allowable over the cited admitted prior art.

## CONCLUSION

In light of the above remarks, Applicants submit that the present Amendment places all claims of the present application in condition for allowance. Reconsideration of the application, as amended, is requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California, telephone number (213) 623-2221 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,

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